

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DAVID N. MURPHY, SR.,

Plaintiff

v.

SCOTT M. GROCHOWSKI, *et al.*,

Defendants

CIVIL ACTION NO. 3:18-1404

(MANNION, D.J.)
(SCHWAB, M.J.)

ORDER

In accordance with the memorandum issued this same day, IT IS
HEREBY ORDERED THAT:

- (1) the report of Judge Schwab, (Doc. 60), is **ADOPTED IN ITS ENTIRETY**;
- (2) defendant Berdanier's motion to dismiss, or in the alternative, for summary judgment, (Doc. 27), is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** with respect to plaintiff's demand for a specific sum of damages in his amended complaint, (Doc. 16), and plaintiff's demand is **STRICKEN**. Berdanier's motion is **DENIED** with respect to plaintiff's First Amendment retaliation claim against him.
- (3) the Clerk of Court is directed to **REMAND THIS CASE** to Judge Schwab for further proceedings as to the remaining claims and defendants, i.e., plaintiff's knock-and-announce

claims against defendants Grochowski, Greenwald, Marrow,
and John Does 1-3, and his retaliation claim against
defendant Berdanier.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: February 18, 2020

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